

FILED OCT 27 2016

## UNITED STATES DISTRICT COURT

for the

District of Oregon

ANGIE WALKER

Case No.

1:16-cv-1880-CL

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

UNITED STATES

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)

☐

Yes

☒

No

AMENDED

## COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE

(28 U.S.C. § 1332; Diversity of Citizenship)

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ANGIE WALKER
Street Address	94141 W CAUGHELL ST APT 8
City and County	GOLD BEACH, CURRY
State and Zip Code	OREGON 97444
Telephone Number	541-425-5344
E-mail Address	ANGELIVXXX@GMAIL.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	UNITED STATES
Job or Title <i>(if known)</i>	UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Street Address	1400 INDEPENDENCE AVE S.W.
City and County	WASHINGTON, DISTRICT OF COLUMBIA
State and Zip Code	DISTRICT OF COLUMBIA 20250
Telephone Number	202-720-2791
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) ANGIE WALKER, is a citizen of the  
State of (name) OREGON.

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) UNITED STATES, is incorporated under  
the laws of the State of (name) WASHINGTON DISTRICT OF COLUMBIA, and has its  
principal place of business in the State of (name) WASHINGTON DISTRICT OF COLUMBIA.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$16 MILLION DOLLARS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) \_\_\_\_\_, at (place) \_\_\_\_\_,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because *(describe the acts or failures to act and why they were negligent)*

AMENDED COMPLAINT SEE ORIGINAL COMPLAINT AND ATTACHED PAGES

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by *(explain)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

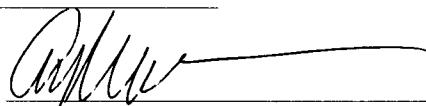
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/11/2016

Signature of Plaintiff

Printed Name of Plaintiff

  
ANGIE WALKER

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

ANGIE WALKER,

Case No. 1:16-cv-01880-CL

Plaintiff,

v.

**ORDER**

UNITED STATES DEPARTMENT  
OF AGRICULTURE,

Defendant.

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CLARKE, Magistrate Judge.

Plaintiff Angie Walker seeks to proceed *in forma pauperis* (“IFP”) in this action. For the reasons stated below, Plaintiff’s complaint (#1) is dismissed without prejudice and with leave to file an amended complaint once Plaintiff has satisfied the requirements of the Federal Tort Claims Act (“FTCA”). Plaintiff’s IFP application (#2) is DENIED and will be reconsidered upon the filing of an amended complaint.

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AMENDED FILING 10112016

AMENDED COMPLAINT:

1. Proof of Income: 2015 Federal Tax Return.
2. The Defendant is the "United States."
3. Claim was filed by mail with the requisite Federal Agency on December 24, 2015.
4. On December 1, 2014, the decision was made to close the case.

More information in the Amended Filing.

ADDRESS:

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF OREGON  
227 UNITED STATES COURTHOUSE  
310 W. SIXTH STREET  
MEDFORD, OREGON 97501